

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

—X

JESUS MARIA CANO RUIZ,

Plaintiff,

V.

Case: 19 CV 8810(PAE)(KHP)

SEIU LOCAL 32BJ; SOLIL MANAGEMENT
LLC AND SOL GOLDMAN INVESTMENTS LLC.

Defendants.

-X

PLAINTIFF REPLY MEMORANDUM IN SUPPORT
OF HIS OPPOSITION TO 32BJ'S MOTION TO DISMISS
AMENDED COMPLAINT PURSUANT TO FED.R.CIV.P.56.1

BRIDGEVIEW
SCHOOL DISTRICT
APRIL 22 PM 12:15

INTRODUCTION

32BJ counsel asserted that the plaintiff allegations of duty of fair representation or DFR claims were time barred are completely false and asserted that plaintiff failed to set specific facts that the union engaged in discrimination; all those facts some of them are on the docket records and some were removed from the docket 2-2(Rebutal K). 32BJ counsel is using a strategy to refers to the page numbers on the brief and another criteria to refers to plaintiff opposition papers to create confusion instead of providing any concrete facts to refute plaintiff allegations, is a very nasty strategy; but the facts speak up by themselves.(the union relied on a wrong collective bargaining agreement); that's the only document submitted as a proof and is not the applicable CBA of 2018(see argument A) at the same time this action could be considered as “ perjury” and using the same poor argument a declaration of Andrew Strom; when both defendant's claimed to have plenty of testimonies against the plaintiff but mysteriously are not on the PDF records, union counsel relied only on his litigation skills without factual evidence.

Then the union counsel alleged that plaintiff do not challenge any legal authority cited in the moving papers, because there is no need for that when you have the facts already on your face, but because of your professional pride can't accept that, and rely on your litigation skills ignoring the facts on the PDF records. Solil counsel incorrectly but knowing that the CBA submitted as exhibit 1, its not the bargaining agreement applicable he used as the ultimate weapon to refute plaintiff claims, but I will prove it wrong(see argument A).

All those allegations regarding discrimination on age, national origin,retaliation in violation of title VII, 42 U.S.C§§2000e, et seq., 42 U.S.C§1981, or 29 U.S.C§§621 et seq., plus NIED will be proved by the factual evidence already on the PDF records and upon discovery stage.

Plaintiff arguments and assertions rebutted the union moving papers and will rebut this reply memorandum as well.

ARGUMENT

A. Plaintiff relied on the right Collective Bargaining Agreement.

Solil counsel relied on the independent apartment house agreement and added a made up building list, added by handwriting (400 east 89th street) to give relevance to this document, this should be refuted by a couple of exhibits provided as follows:

the plaintiff pay rate by 2018 was \$26.80 (Dkt 2,p 44) compare with the minimum wages table (Dkt 69-1,p 14) then according with this CBA the building 400 East 89th Street should be class A and its not. According to StreetEasy report(see Exhibit A, p 1-7). Also Check out NYC Building Classes & Building Classification(see Class D6,p 1; Exhibit B).

Assignment of mortgage on premises 1700-1716 1st Avenue a/k/a 400 East 89th Street a/k/a 399-405 Street, New York, New York 10028(Exhibit C). StreetEasy Search of 401 east 88th street,New York 10128 (Exhibit D). Schedule B is about premises 1700-1716 First Avenue a/k/a 400 East 89th Street a/k/a 399-405 East 88th Street, New York, New York 10128 (Exhibit E).

The referenced documents shows 400 East 89th street, Yorkville, NY. 10128 as a building built in 1964, has 16 stories and 213 units and classified as Class D6. (Exhibit D, 7 pages) and no results for 401 east 88th Street, Yorkville, NY. 10128 search. These exhibits refuted completely the Solil Counsel allegations regarding the CBA applicable(2018 NYC RAB Apartment Building Agreement).

The under perjury certification of Mr. Mehmedovic and Mr. Ball indicates they are superintendant and Handyman in a building that is not a independent apartment house and proved plaintiff assertion of rightfully worked at 400 East 89th street ,New york, NY 10128.

B. Union counsel being repetitive about plaintiff allegations without adding factual evidence to the PDF records because the best argument he could fabricate was the argument A and is irrelevant to the case, just mere litigation skills, but with perjury.

And again Union counsel being repetitive about plaintiff refusal to work one side of the building are false .

Union counsel referred as “ special circumstances”(Dkt. 47) at 15-16 its not so special because I did worked the other side of the building every week, covering during coworker days off and during the hours my coworker finished his shift(from 4 pm thru 7 pm daily).

I agreed with the Phrase”the court may look to the agreement itself” and cited Broder v. Cablevision, because I am certain about the applicable CBA of 2018.(2018 RAB Apartment Building Agreement). And again union counsel being repetitive without adding factual evidence to the PDF records (see Argument A).Union counsel falsely asserted plaintiff allegations regarding performance on one side of the building without relied of under perjury certifications that contain many false statements(see Dkt. P.26-28; Dkt. 2-1,p 32-34) In the first citation Solil lawyer falsely asserted as the reason for a verbal warning, events that happened in 2016,in another building and plaintiff working as a Doorman not related to plaintiff handyman work at 400 East 89th street.

The other citation regarding the superintendant judgement as true events he did not witnessed and also cited November 16, 2018 as the date of another confrontation between the plaintiff and Mr. Ball, that was the date provided to them by NLRB investigator(by mistake), that date was Friday plaintiff day off and plaintiff went to NLRB offices to file charges against the union(Dkt. 63-2, p 6).

And again the union counsel allegation of plaintiff properly report a gas leak is false, Plaintiff never mentioned a potential gas leak, there was none, the tenant was demanded to get the gas reconnected to the stove (defective) and if I do not agreed to his demands she will call the FDNY.

This happened around 6:30 pm on September 5, 2018 and exposed the false testimony of Solil lawyer on docket No 2, page 27 who said” the Fire department was called overnight...” compare with (Dkt. P 28-29). Union counsel still diverted the facts on the FDNY incident report ignored “ super on scene Mehmedvich. It was a new stove and they were instructed not to use it by the super the day before.... and they did. Units ventilated the area. (Dkt. 2-2, p29).

C. Union counsel do not had any factual evidence to the PDF records, referred to a union

investigation that was untimely, discriminatory and in bad faith; and violated the CBA agreement of 2018 that they should enforce(ignored the no discrimination protocol).

Union counsel referred to NLRB and EEOC misconduct as plaintiff disappointment of the outcome of those proceedings kindly said its understandable, but do not mentioned the factual evidence submitted by the plaintiff regarding the action or inaction of the investigators and how they violated the law they should enforce (Dkt. 66, p 33-34; Dkt. 61,P 4-7).

D. Union Counsel asserted plaintiff had no evidence of union discriminated on his race or national origin are completely false and still trying to dismiss plaintiff claims at pretrial, without support of factual evidence in the PDF records,still trying to hide the retaliation and discrimination inflicted to the plaintiff by Solil and the Union, all this facts asserted with the main factual evidence of the case (CBA of 2018, No Discrimination Protocol).

Union sent untimely cease and desist letters,announced to go to arbitration (8 months after) and then denial to go to arbitration(after consumed 19 months total). But the most important issue was the no enforcement of the no discrimination protocol, which first step is a mandatory mediation that Solil refused to attend and the union did not enforced.

Union counsel referred to Mrs. Orellana and alleged that plaintiff do not added facts of Mrs orellana animosity toward him, Mrs. Orellana was executing Solil order to retaliate and create disciplinary records to terminate plaintiff employment, for that reason she never took any action about my complaints of harassment and discrimination(Dkt. 2, p36-37).

Solil counsel run out of ideas, just being repetitive on account of national origin discrimination claim confused or did not studied the case, the persons that plaintiff pointed out for that claim were Mr. Ball, Mr. Mehmedovic and Mr. price(nor Mrs. Orellana).

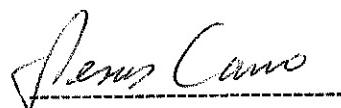
Unions are not permitted by National Labor Relations Act (NLRA) to engaged in unfair labor practices ,the union caused or influenced Solil to discriminate against plaintiff(Title VII of 1964).

CONCLUSION

For the reasons set forth above, and the plaintiff's opening brief; after pleading of the Seventh Amendment protection. Plaintiff respectfully request that this court issue an order of denial on 32BJ motion to dismiss 12(b)(6) supported by plaintiff rule 56.1.

Dated : Thursday April 22, 2021

Respectfully Submitted :



Jesus Maria Cano Ruiz
Plaintiff
1714 66 st. Apt. D3
Brooklyn, New York, 11204
Jcano6775@gmail.com

EXHIBIT A

4 ACTIVE RENTALS IN THIS BUILDING

RENTAL BUILDING IN YORK...

400 East 89th Street ...

\$2,400

Studio | 1

Listing by City Wide Apartments
(555 8th Avenue Ste 2310, New
York, NY 10018)

RENTAL BUILDING IN YORK...

400 East 89th Street ...

\$3,400

1 | 1

Listing by City Wide Apartments
(555 8th Avenue Ste 2310, New
York, NY 10018)

RENTAL BUILDING IN YO...

400 East 89th Street ...

\$4,450

2 | 2

Listing by City Wide Apart
(555 8th Avenue Ste 2310,
York, NY 10018)

Buildings > Manhattan > All Upper East Side > Upper East Side > Yorkville > 400 East 89th Street

Building: 400 East 89th
Street

400 East 89th Street, Yorkville, NY, 10128

205 units 16 stories Built in 1964

Rental Building in Yorkville

SAVE

SHARE

Description

400 East 89th Street is a Building located in the Yorkville neighborhood in Manhattan, NY. 400 East 89th Street was built in 1964 and has 16 stories and 213 units.

Amenities

verizon® Fi

Building Facts

Facts 205 units 16 stories Built in 1964

Building Class D6

Floor Plans 3 floor plans available

Rentals Listings 4 active rentals (\$3,786 avg price)
48 previous rentals (\$42 per ft² avg, \$4,208 avg price)

Units



2 beds | 2 baths

Listing by City Wide Apartments (555 8th Avenue Ste 2310, New York, NY 10018)

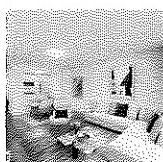


#3R - 400 East 89th Street

\$4,450 NO FEE

2 beds | 2 baths

Listing by City Wide Apartments (555 8th Avenue Ste 2310, New York, NY 10018)



#6Q - 400 East 89th Street

\$3,400 NO FEE

1 bed | 1 bath

Listing by City Wide Apartments (555 8th Avenue Ste 2310, New York, NY 10018)



#6N - 400 East 89th Street

\$2,400 NO FEE

studio | 1 bath

Listing by City Wide Apartments (555 8th Avenue Ste 2310, New York, NY 10018)

Unit	Price	Beds	Baths	ft ²
#7Q - 400 East 89th Street \$4,895 NO FEE 5 rooms, 2 beds • 2 baths •	\$4,895 NO FEE	5 rooms, 2 beds	2 baths	
#3R - 400 East 89th Street \$4,450 NO FEE 5 rooms, 2 beds • 2 baths •	\$4,450 NO FEE	5 rooms, 2 beds	2 baths	
#6Q - 400 East 89th Street \$3,400 NO FEE 3 rooms, 1 bed • 1 bath •	\$3,400 NO FEE	3 rooms, 1 bed	1 bath	
#6N - 400 East 89th Street \$2,400 NO FEE 2 rooms, studio • 1 bath •	\$2,400 NO FEE	2 rooms, studio	1 bath	

Nearby

TRANSPORTATION

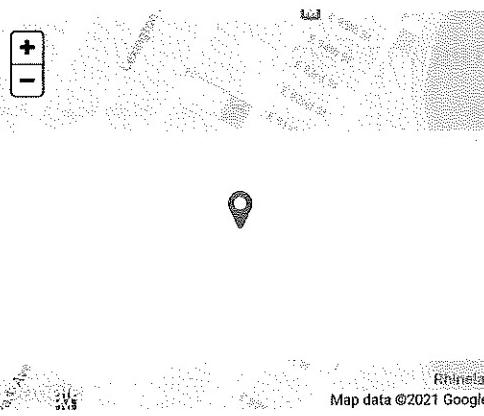
(a) at 86th Street under 500 feet

(a) at 86th St 0.29 miles

(a) at 96th Street 0.32 miles

(a) at 96th St 0.49 miles

(a) at 77th St 0.61 miles

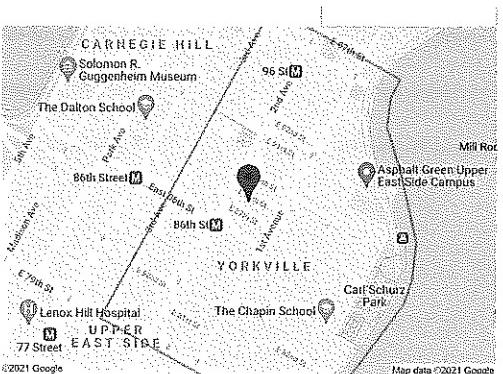
[View subway lines on Google Maps](#)


There is no data available

Disclaimer: School attendance zone boundaries are not guaranteed to be accurate – they are provided by a third party and subject to change. Check with the applicable school district prior to making a decision based on these boundaries.

COLLEGES

Icahn School of Medicine at Mount Sinai	0.8 miles
Marymount Manhattan College	0.85 miles
New York School of Interior Design	0.95 miles
Weill Cornell Medical College	0.98 miles
Gerstner Sloan Kettering Graduate School of Biomedical Science	1.01 miles



PARKS

Ruppert Park	0.16 miles
Asphalt Green	0.31 miles
Park	0.32 miles
Carl Schurz Park	0.37 miles
Stanley Isaacs Playground	0.4 miles

MUSEUMS

Gracie Mansion	0.4 miles
National Academy Museum	0.56 miles
Solomon R. Guggenheim Museum	0.56 miles
Cooper-Hewitt, National Design Museum	0.57 miles
Neue Galerie New York	0.57 miles

Similar Buildings

339 East 81st Street 324 East 84th Street 450-452 East 81st Street

Rental Building in Yorkville Rental Building in Yorkville Rental Building in Yorkville

1 ACTIVE LISTINGS

2 ACTIVE LISTINGS

2 ACTIVE LISTINGS

Latest discussions

BE THE FIRST TO CREATE A DISCUSSION ABOUT THIS BUILDING

More Listings

MORE SALES LISTINGS IN YORKVILLE

MORE RENTALS LISTINGS IN YORKVILLE

Yorkville Rentals

Nearby Yorkville

More

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EXHIBIT B



Residential

Q. What are the different Residential Buildings?

A. Class A Buildings - One Family Dwellings

- A0 Cape Cod
- A1 Two Stories Detached (Small or Moderate Size, With or Without Attic)
- A2 One Story (Permanent Living Quarters)
- A3 Large Suburban Residence
- A4 City Residence
- A5 Attached or Semi-Detached
- A6 Summer Cottages/Mobile Homes/Trailers
- A7 Mansion Type
- A8 Bungalow Colony/Land Coop Owned
- A9 Miscellaneous (Old Buildings, Attached & Semi-Detached Frame Houses, etc.)

Class B Buildings - Two Family Dwellings

- B1 Brick
- B2 Frame
- B3 Converted (From One Family)
- B9 Miscellaneous (City Type, Old, etc.)

Class C Buildings - Walk Up Apartments

- C0 Three Families
- C1 Over Six Families Without Stores
- C2 Five to Six Families
- C3 Four Families
- C4 Old Law Tenements
- C5 Converted Dwelling or Rooming House
- C6 Cooperative (Other Than Condominiums)
- C7 Over Six Families With Stores
- C8 Co-op Conversion From Loft/Warehouse
- C9 Garden Apartments/Mobile Home Park/Trailer Park

Class D Buildings - Elevator Apartments

- D0 Co-op Conversion From Loft/Warehouse
- D1 Semi-fireproof (Without Stores)
- D2 Artists in Residence
- D3 Fireproof (Standard Construction Without Stores)
- D4 Cooperatives (Other Than Condominiums)
- D5 Converted
- D6 Fireproof - With Stores



More
Property Information
available?

Yes!

Join Us! It's FREE

D7 Semi-Fireproof With Stores

D8 Luxury Type

D9 Miscellaneous

Class R Buildings - Condominiums

R0 Condo Billing Lot

R1 2-10 Unit Residential Bldg, Residential Unit

R2 Walk-up, Residential Unit

R3 1-3 Story, Residential Unit

R4 Apartment/Elevated, Residential Unit

R5 Commercial Unit

R6 1-3 Units, Residential Unit

R7 1-3 Units, Commercial Unit

R8 2-10 Unit Residential Bldg, Commercial Unit

R9 Condop

RA Cultural, Medical, Educational, Etc.

RB Office Space

RC Commercial Building (Mixed Commercial Condo Building)

RG Indoor Parking

RH Hotel/Boatel

RK Retail Space

RM Mixed Residential & Commercial Building (Mixed Residential & Commercial Condo Building)

RP Outdoor Parking

RR Condo Rentals

RS Non-Business Storage Space

RT Terraces/Gardens/Cabanas

RW Warehouse/Factory/Industrial

RD Residential Building (Mixed Residential Condo Building)

RI Mixed Warehouse/Factory/Industrial & Commercial

RX Mixed Residential & Commercial Building

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Mixed Use

Q. Is there anything that's a mix between Commercial and Residential?

A. Class S Buildings - Residence - Multiple Use

S0 Primarily One Family with Two Stores or Offices

S1 Primarily One Family With Store or Office

S2 Primarily Two Family With Store or Office

S3 Primarily Three Family With Store or Office

S4 Primarily Four Family With Store or Office

S5 Primarily Five to Six Family With Store or Office

S9 Primarily One to Six Families with Stores or Offices

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Commercial Buildings

Q. What are the different types of Commercial Buildings?

A. Class H Buildings - Hotels

- H1 Luxury Type - Built Prior to 1960
- H2 Luxury Type - Built After 1960
- H3 Transient Occupancy-Midtown Mn Area
- H4 Motels
- H5 Private Club, Luxury Type
- H6 Apartment Hotels
- H7 Apartment Hotels-Co-op Owned
- H8 Dormitories
- H9 Miscellaneous

Class K Buildings - Store Buildings (Taxpayers Included)

- K1 One Story Store Building
- K2 Two Story or Store and Office
- K3 Department Stores, Multi-Story
- K4 Stores, Apartments Above
- K5 Diners, Franchised Type Stand
- K6 Shopping Centers With Parking Facilities
- K7 Funeral Home
- K9 Miscellaneous

Class L Buildings - Loft Buildings

- L1 Over Eight Stories (Mid-Manhattan Type With or Without Stores)
- L2 Fireproof - Loft and Storage Type (Without Retail Stores)
- L3 Semi-Fireproof
- L8 With Retail Stores (Other Than Type 1)
- L9 Miscellaneous

Class O Buildings - Office Buildings

- O1 Fireproof - Up to Nine Stories
- O2 Ten Stories & Over (Side Street Type)
- O3 Ten Stories & Over (Main Avenue Type)
- O4 Tower Type
- O5 Semi-Fireproof
- O6 Bank Building (Designed Exclusively for Banking)
- O7 Professional Buildings
- O8 With Residential Apartments
- O9 Miscellaneous

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Industrial Buildings**Q. What are the different types of Industrial Buildings?****A. Class E Buildings - Warehouses**

- E1 Fireproof
- E3 Semi-Fireproof
- E4 Frame, Metal
- E7 Warehouse, Self Storage

E9 Miscellaneous

Class F Buildings - Factory And Industrial Buildings

F1 Heavy Manufacturing (Fireproof)

F2 Special Construction (Printing Plant, etc., Fireproof)

F4 Semi-Fireproof

F5 Light Manufacturing

F8 Tank Farms

F9 Miscellaneous

Class G Buildings - Garages And Gasoline Stations

G0 Residential Tax Class 1 Garage

G1 Garage - Two or More Stories

G2 Garage - One Story (Semi-Fireproof or Fireproof)

G3 Garage and Gas Station Combined

G4 Gas Station - With Enclosed Lubrication Plant or Workshop

G5 Gas Station - Without Enclosed Lubrication Plant or Workshop

G6 Licensed Parking Lot

G7 Unlicenced Parking Lot

G8 Garage With Showroom

G9 Miscellaneous

Class T Buildings - Transportation Facilities (Assessed In Ore)

T1 Airports, Air Fields, Terminals

T2 Piers, Docks, Bulkheads

T9 Miscellaneous

Class U Buildings - Utility Bureau Properties

U0 Utility Company Land and Buildings

U1 Bridges, Tunnels, Highways

U2 Electric Utilities, Gas

U4 Telephone Utilities

U5 Communications Facilities (Other Than Telephone)

U6 Railroads, Private Ownership

U7 Transportation, Public Ownership

U8 Revocable Consents

U9 Miscellaneous (Including Private Improvements in City Land and in Public Places)

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Vacant Lots

Q. What can be considered a Vacant Lot?

A. Class V Buildings - Vacant Land

V0 Zoned Residential, Except Not Manhattan Below 110 St

V1 Not Zoned Residential or Manhattan Below 110 St

V2 Not Zoned Residential, but Adjacent to Tax Class 1 Dwelling

V3 Zoned Primarily Residential, Except Not Manhattan Below 110 St

V4 Police or Fire Department

V5 School Site or Yard

V6 Library, Hospitals or Museums

V7 Port Authority of NY and NJ

V8 State & U.S.

V9 Miscellaneous (Department of Real Estate and Other Public Places)

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Buildings with Civic Use

Q. What are the types of Public Buildings?

A. Class I Buildings - Hospitals And Health

I1 Hospitals, Sanitariums, Mental Institutions

I2 Infirmary

I3 Dispensary

I4 Staff Facilities

I5 Health Center, Child Center, Clinic

I6 Nursing Home

I7 Adult Care Facility

I9 Miscellaneous

Class J Buildings - Theatres

J1 Art Type (Seating Capacity Under 400 Seats)

J2 Art Type (Seating Capacity Over 400 Seats)

J3 Motion Picture Theatre With Balcony

J4 Legitimate Theatres (Theatre Sole Use of Building)

J5 Theatre as Part of Building of Other Use

J6 Television Studios

J7 Off-Broadway Type

J8 Multi-Motion Picture Theatre

J9 Miscellaneous

Class M Buildings - Churches, Synagogues, Etc.

M1 Church, Synagogue, Chapel

M2 Mission House (Non-Residential)

M3 Parsonage, Rectory

M4 Convents

M9 Miscellaneous

Class N Buildings - Asylums And Homes

N1 Asylums

N2 Homes for Indigent Children, Aged, Homeless

N3 Orphanages

N4 Juvenile Detention Houses

N9 Miscellaneous

Class P Buildings - Places Of Public Assembly (Indoor) And Cultural

P1 Concert Halls

P2 Lodge Rooms

P3 YWCA,YMCA,YWHA,YMHA,PAL

P4 Beach Club

P5 Community Center

P6 Amusement Places, Bathhouses, Boat Houses

P7 Museum

P8 Library

P9 Miscellaneous Including Riding Academies and Stables

Class Q Buildings - Outdoor Recreation Facilities

Q1 Parks

Q2 Playgrounds

Q3 Outdoor Pools

Q4 Beaches

Q5 Golf Courses

Q6 Stadium, Race Tracks, Baseball Fields

Q7 Tennis Courts

Q8 Marinas/Yacht Clubs

Q9 Miscellaneous

Class W Buildings - Educational Structures

W1 Public Elementary Junior and Senior High Schools

W2 Parochial Schools, Yeshivas

W3 Schools or Academies

W4 Training Schools

W5 City University

W6 Other Colleges and Universities

W7 Theological Seminaries

W8 Other Private Schools

W9 Miscellaneous

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Government Buildings

Q. What are the City Buildings?

A. Class Y Buildings - Selected Government Installations (Excluding Office Buildings, Training Schools, Academic, Garages, Warehouses, Piers, Air Fields, Vacant Land, Vacant Sites, And Land Under Water And Easements)

Y1 Fire Department

Y2 Police Department

Y3 Prisons, Jails, Houses of Detention

Y4 Military and Naval

Y5 Department of Real Estate

Y6 Department of Sanitation

Y7 Department of Ports and Terminals

Y8 Department of Public Works

Y9 Department of Environmental Protection

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Others

Q. Anything Else?

A. Class Z Buildings - Miscellaneous

Z0 Tennis Court, Pool, Shed, etc. Used in Conjunction with Tax Class 1

Z1 Court House

Z2 Public Parking Areas

Z3 Post Office

Z4 Foreign Governments

Z5 United Nations

Z6 Land under Water

Z7 Easements

Z8 Cemeteries

Z9 Other

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EXHIBIT C

New York City Department of Finance
Office of the City Register

HELP

Selecting a help option will open new window

DOCUMENT ID: 2016110200811003

[\[Main Options\]](#) [\[Search Results\]](#) [\[Document Details\]](#) [\[Show Supporting Documents\]](#) [\[Show Tax Returns\]](#) [\[Print Document\]](#)**Assignment of Mortgage**

=====

Santander Bank, N.A.

to

First Republic Bank

=====

Section: 5
Block: 1568
Lot: 1
County: New York
Premises: 1700-1716 1st Avenue a/k/a 400 East 89th Street a/k/a 399-405 East 88th Street
New York, New York 10028

TAB 16 - 00169M

Record And Return To:

Cassin & Cassin LLP
2900 Westchester Avenue, Suite 402
Purchase, NY 10577
Attention: Michael A. Rosenberg

Print	Document Detail	Search Results	Search Options	Main Options
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EXHIBIT D

No results for "401 east 88 th street,Yorkville, NY 10128" in NYC or NJ

401 east 88 th street,Yorkville, NY 10128



There were no matches for "401 east 88 th street,Yorkville, NY 10128" in neighborhoods, addresses, buildings, complexes, agents, schools or registered sales. Don't see the building you're looking for? Please email support@streeteasy.com for further assistance.

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EXHIBIT E

Schedule B

ALL that certain lots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Southerly side of 89th Street with the Easterly side of First Avenue;

RUNNING THENCE Easterly along the Southerly side of 89th Street, 106 feet;

THENCE Southerly parallel with the Easterly side of First Avenue, 201 feet 5 inches to the Northerly side of 88th Street;

THENCE Westerly along the Northerly side of 88th Street, 106 feet to the Easterly side of First Avenue; and

THENCE Northerly along the Easterly side of First Avenue, 201 feet 5 inches to the corner aforesaid, the point or place of BEGINNING.

TOGETHER with all right, title and interest of, in and to any streets and roads abutting the above described premises.

SAID PREMISES being known as and by the street number 1700-1716 First Avenue a/k/a 400 East 89th Street a/k/a 399-405 East 88th Street, New York, New York 10128.